

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

A PLACE FOR MOM., INC, a Delaware
corporation,

Plaintiff,

v.

LISA PERKINS, an individual,

Defendant.

CASE NO. C20-1028-JCC

ORDER

This matter comes before the Court pursuant to Plaintiff's motion to extend the temporary restraining order ("TRO") issued by the King County Superior Court (Dkt. No. 25).

This case involves a dispute between Defendant and Plaintiff, her former employer. (*See* Dkt. No. 1-1.) At the beginning of her employment, Defendant signed an agreement with Plaintiff under which she agreed to (1) refrain from working for Plaintiff's competitors for a year, (2) refrain from soliciting Plaintiff's customers for a year, and (3) protect the confidentiality of Plaintiff's trade secret information. (Dkt. No. 1-2 at 2-3.) In April 2020, Defendant resigned from Plaintiff's employment. (*Id.* at 3.) Approximately six weeks later, Defendant began working for a different company. (*Id.*)

Shortly thereafter, Plaintiff filed suit in King County Superior Court. (Dkt. No. 5-1 at 2.) On June 29, 2020, the Superior Court issued a TRO enjoining Defendant from certain conduct

1 related to the parties' agreement. (Dkt. No. 1-2 at 5.) After considering the parties' pleadings and
2 hearing oral argument, the Superior Court found that Plaintiff had submitted sufficient evidence
3 to demonstrate a likelihood that it will prevail on the merits of its claims. (*Id.* at 4.) The Superior
4 Court further found that Plaintiff would suffer actual and substantial injury if Defendant was not
5 immediately enjoined pending further proceedings. (*Id.*)

6 The Superior Court set a hearing for July 17, 2020, at which Defendant had to show
7 cause why a preliminary injunction should not be entered on the same terms as the TRO. (*Id.* at
8 5.) The TRO was set to expire that same day as the hearing. (*Id.*) But this timeline was
9 interrupted when, on July 1, 2020, Defendant removed the case. (Dkt. No. 1.) Plaintiff
10 accordingly filed a motion for preliminary injunction pursuant to Federal Rule of Civil Procedure
11 65 and noted it for July 31, 2020, pursuant to Western District of Washington Local Civil Rule
12 7(d). (Dkt. No. 11.)

13 Under the Federal Rules of Civil Procedure, a TRO may be entered for a period not to
14 exceed 14 days and may be extended for a like period upon a showing of good cause or by
15 consent of the adverse party. *See* Fed. R. Civ. P. 65(b); *Planned Parenthood of Great Nw. &*
16 *Hawaiian Islands, Inc. v. Azar*, C18-1627-JCC, Dkt. No. 25 at 1 (W.D. Wash. 2018) (finding
17 good cause to extend the TRO in that case).

18 Here, Defendant opposes Plaintiff's request to extend the TRO, arguing that Plaintiff has
19 only lost one referral source, any harm to Plaintiff is reparable through monetary damages, the
20 non-compete agreement is unenforceable, and Plaintiffs' trade secrets claim is not cognizable.
21 (Dkt. Nos. 25 at 4 n.4.; 27 at 3). The Court has considered the parties' briefing on Plaintiff's
22 present motion and the Superior Court's findings as to Plaintiff's likelihood of success on the
23 merits, Plaintiff's showing of its clear legal rights, Plaintiff's well-grounded fear of invasion of
24 those rights, and the possibility that Defendant's acts will result in actual and substantial injury.
25 (*See generally* Dkt. Nos. 1-3, 25, 27.) Based on Plaintiff's showings, the Superior Court's
26 findings, and the parties' need for sufficient time to brief the pending motion for preliminary

1 injunction, the Court concludes that an extension is necessary to preserve the status quo and to
2 prevent irreparable harm to Plaintiff. *See* Fed. R. Civ. P. 65(b). Therefore, the Court FINDS good
3 cause to extend the TRO for 14 days.

4 Accordingly, the Court GRANTS Plaintiff's motion to extend the TRO (Dkt. No. 25) and
5 ORDERS as follows:

- 6 1. The TRO issued by the Superior Court is hereby EXTENDED to July 31, 2020;
- 7 2. The parties shall continue to engage in expedited discovery in accordance with the
8 terms set forth in the TRO (Dkt. No. 1-2 at 5-6); and
- 9 3. The Court hereby RENOTES Plaintiff's motion for preliminary injunction (Dkt.
10 No. 11) to July 28, 2020. Defendant shall file her response to the motion no later
11 than July 24, 2020. Plaintiff shall file its reply no later than 12:00 pm on July 27,
12 2020.

13 DATED this 17th day of July 2020.

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17 John C. Coughenour
18 UNITED STATES DISTRICT JUDGE
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